

Assembly Bill No. 996

Passed the Assembly June 3, 1997

Chief Clerk of the Assembly

Passed the Senate August 29, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 5274 and 5490 of the Business and Professions Code, and to repeal Section 3 of Chapter 495 of the Statutes of 1996, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, Sweeney. Outdoor advertising: on-premises advertising displays: business centers.

(1) The Outdoor Advertising Act exempts from its provisions, except for certain licensing and regulatory provisions, an on-premises advertising display for a business center that is adjacent to or visible from an interstate or primary highway if it is placed and maintained in compliance with specified conditions.

This bill would exempt from the act an on-premises advertising display that is located within a business center and visible from an interstate or primary highway, if it is placed and maintained as prescribed, and would revise those specified conditions.

(2) Other existing law requires an on-premises advertising display that is located within the boundaries of a development project, as defined, that identifies either the name of the development project, its business logo, or the goods, wares, and services existing or available within the development project, to continue to be deemed an on-premise advertising display regardless of any of specified occurrences.

This bill would include among those specified occurrences the subdivision of the parcel that includes the development project in accordance with the Subdivision Map Act and make a related change.

(3) Existing law provides that the provisions of existing law described above in (1) and (2) shall remain in effect only until January 1, 1999, and as of that date are repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.

This bill would repeal that provision, thereby continuing those provisions indefinitely.



The people of the State of California do enact as follows:

SECTION 1. Section 5274 of the Business and Professions Code is amended to read:

5274. (a) None of the provisions of this chapter, except those in Article 4 (commencing with Section 5300), Sections 5400 to 5404, inclusive, and subdivision (d) of Section 5405, apply to an on-premises advertising display that is visible from an interstate or primary highway and located within a business center, if the display is placed and maintained pursuant to Chapter 2.5 (commencing with Section 5490) and meets all of the following conditions:

(1) The display is placed within the boundaries of an individual development project, as defined in Section 65928 of the Government Code, for commercial, industrial, or mixed commercial and industrial purposes, as shown on a subdivision or site map approved by a city, county, or city and county, and is developed and zoned for those purposes.

(2) The display identifies the name of the business center, if named.

(3) Each business identified on the display is located within the business center and on the same side of an interstate or primary highway where the display is located.

(4) The governing body of the city, county, or city and county has adopted ordinances for the display pursuant to Sections 5230 and 5231 for the area where the display will be placed, and the display meets city, county, or city and county ordinances.

(5) The display results in a consolidation of allowable displays within the business center, so that fewer displays will be erected as a result of the display.

(6) Placement of the display does not cause a reduction of federal aid highway funds as provided in Section 131 of Title 23 of the United States Code.

SEC. 2. Section 5490 of the Business and Professions Code is amended to read:

5490. (a) This chapter applies only to lawfully erected on-premises advertising displays.

(b) As used in this chapter, “on-premises advertising displays” means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, that has been designed, constructed, created, intended, or engineered to have a useful life of 15 years or more, and intended or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes:

(1) To designate, identify, or indicate the name or business of the owner or occupant of the premises upon which the advertising display is located.

(2) To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display has been lawfully erected.

(c) As used in this chapter, “introduced or adopted prior to March 12, 1983,” means an ordinance or other regulation of a city or county which was officially presented before, formally read and announced by, or adopted by the legislative body prior to March 12, 1983.

(d) This chapter does not apply to advertising displays used exclusively for outdoor advertising pursuant to the Outdoor Advertising Act (Chapter 2 (commencing with Section 5200)).

(e) As used in this chapter, illegal advertising displays do not include legally erected, but nonconforming, displays for which the applicable amortization period has not expired.

(f) As used in this chapter, “abandoned advertising display” means any display remaining in place or not maintained for a period of 90 days which no longer advertises or identifies an ongoing business, product, or service available on the business premise where the display is located.

(g) (1) For the purpose of this chapter, an on-premises advertising display that is located within the boundaries of a development project, as defined by Section 65928 of the Government Code, that identifies the



name of the development project, its business logo, or the goods, wares, and services existing or available within the development project, shall continue to be deemed an on-premise advertising display regardless of any of the following occurrences:

(A) The creation or construction, in or about the project, of a common parking area, driveway, thruway, alley, passway, public or private street, roadway, overpass, divider, connector, or easement intended for ingress or egress, regardless of where or when created or constructed, and whether or not created or constructed by the project developer or its successor, or by reason of government regulation or condition.

(B) The sale, transfer, or conveyance of an individual lot, parcel, or parcels less than the whole, within the development project.

(C) The sale, transfer, conveyance, or change of name or identification of a business within the development project.

(D) The subdivision of the parcel that includes the development project in accordance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).

(2) This subdivision shall not be applicable in any case in which its application would result in a loss of federal highway funds by the State of California.

(3) This subdivision applies to all counties and general law or charter cities.

SEC. 3. Section 3 of Chapter 495 of the Statutes of 1996 is repealed.

Approved _____, 1997

Governor

